

CHAPTER NO. 286

HOUSE BILL NO. 1387

By Representatives Boyer, Ford

Substituted for: Senate Bill No. 1664

By Senators Fowler, Clabough

AN ACT to amend Tennessee Code Annotated, Title 63, Chapter 1, Part 1, Section 120, and Title 68, Chapter 140, Part 5, relative to licensure denial, suspension or revocation and out-of-state discipline.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF TENNESSEE:

SECTION 1. The heading for Tennessee Code Annotated, Section 63-1-120 is amended by deleting all the language contained therein and substituting therefor the following language and punctuation:

63-1-120. Grounds for license denial, suspension or revocation.

SECTION 2. Tennessee Code Annotated, Section 63-1-120 is amended to add the following as a new, appropriately lettered subsection:

() With respect to any person required to be licensed, permitted, certified or authorized by any board, council, committee or agency created pursuant to title 63, chapters 4, 5, 7, 9, 11 and 12, and title 68, chapter 140, attached to the division of health related boards, such board, council, committee or agency may deny an application for licensure, certification, permit or authorization permanently withhold issuance of licensure, certification, permit or authorization, suspend or limit or restrict previously issued licensure, certification, permit or authorization or otherwise discipline a license, certificate, permit or authorization if the applicant, or licensee, or certificate or permit holder has been disciplined by another state of the United States for any acts or omissions which would constitute grounds for discipline of a person licensed, certified, permitted or authorized in this state. A certified copy of the initial or final order or other equivalent document memorializing the disciplinary action from the disciplining state shall constitute prima facie evidence of a violation of this section, and shall be sufficient grounds upon which to deny, restrict or condition the license, permit, or certificate, renewal or application and/or otherwise discipline a licensee licensed in this state.

() In disciplinary actions against individuals holding a license, certificate, permit or authorization in this state at the time of a disciplinary action in another reporting state, in the absence of justifying evidence to the contrary, there shall be a rebuttable presumption that the sanction proposed in any such proceeding will be comparable to that in the reporting state. However, no such presumption shall exist for those who are applying for licensure, certification, permit or authorization in this state during or after the time the disciplinary action in the other state is pending or has become final. If a board, council, committee or agency created pursuant to title 63, chapters 4, 5, 7, 9, 11 and 12, or title 68, chapter 140, denies, restricts or conditions a licensure, certification, permit or authorization based on a disciplinary action in another state, the applicant shall, upon written request, filed within thirty (30) days of the date of the action on the application, be entitled to a contested case hearing.

SECTION 3. Tennessee Code Annotated, Section 68-140-511 is amended to add the following as a new, appropriately numbered subsection, with the following language and punctuation:

() disciplinary action against a person licensed to practice by another state of the United States for any acts or omissions which would constitute grounds for discipline of a person licensed in this state. A certified copy of the initial or final order or other equivalent document memorializing the disciplinary action from the disciplining state shall constitute prima facie evidence of a violation of this section, and shall be sufficient grounds upon which to deny, restrict or condition licensure or renewal and/or otherwise discipline a licensee licensed in this state.

() In disciplinary actions against individuals holding a license, certificate, permit or authorization in this state at the time of a disciplinary action in another reporting state, in the absence of justifying evidence to the contrary, there shall be a rebuttable presumption that the sanction proposed in any such proceeding will be comparable to that in the reporting state. However, no such presumption shall exist for those who are applying for licensure, certification, permit or authorization in this state during or after the time the disciplinary action in the other state is pending or has become final. If the board denies, restricts or conditions a licensure, certification, permit or authorization based on a disciplinary action in another state, the applicant shall, upon written request, filed within thirty (30) days of the date of the action on the application, be entitled to a contested case hearing.


SECTION 4. This act shall take effect upon becoming law, the public welfare requiring it.

PASSED: May 17, 2001


JIMMY RAIFEH, SPEAKER
HOUSE OF REPRESENTATIVES


JOHN S. WILDER
SPEAKER OF THE SENATE

APPROVED this 22nd day of May 2001


DON SUNDQUIST, GOVERNOR